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A balanced policy needed

By Marc Mauer and Ron Welch
Special to The Clarion-Ledger

A recent analysis from the U.S. Department of Justice reports that Mississippi now ranks third in the nation, behind only Louisiana and Texas, in its rate of incarceration.

This status takes on particular significance given that the United States is now the world leader in its use of imprisonment. With over 21,000 people in prison - a 166 percent increase from the 8,000 offenders in 1990 - the state of Mississippi is spending \$292 million a year to operate this vastly expanded penal system.

While prisons clearly represent one aspect of the state's approach to public safety, there is much reason to believe that the state could adopt policies to slow the growth of the prison system while also enhancing crime control. Two factors stand out in particular.

First, while prison space should be used primarily for serious and violent offenders, this is not the case in Mississippi. Fully two-thirds of the state's prison population consists of people convicted of non-violent drug and property crimes. Drug offenders alone constitute a third (35 percent) of the population, far higher than the one-fifth (20 percent) figure nationally.

These figures are the result of policy changes that are increasingly problematic for an effective use of public safety resources. Sentencing policies, and particularly drug law enforcement, have swollen the inmate population with thousands of low-level drug offenders who by and large are not the "kingpins" of the drug trade.

National studies have documented that more than half of all drug offenders in prison have no history of violence or engagement in high-level drug operations. There is no reason to believe that these dynamics are any different in Mississippi.

Second, an increasing source of admissions to prison is for probation violations, which now constitute nearly a third of new admissions in the state. These may be for commission of a new crime or for a technical violation, such as drug or alcohol use.

This trend indicates that we are not doing enough to ensure success for offenders placed under community supervision.

High rates of substance abuse, low educational attainment, and limited work histories all point to the need to provide services to help offenders become engaged with constructive institutions in the community.

In recent years, Mississippi policymakers have begun to reconsider some of these issues. The development of drug courts in the past decade has given state judges an option to divert appropriate offenders into treatment rather than incarceration when it is clear that substance abuse is the underlying contributor to crime. But the availability of quality treatment slots in the state only represents a fraction of the need.

Similarly, Mississippi's requirement that all offenders serve 85 percent of their maximum sentence has been scaled back in recent years.

This "one size fits all" policy was very costly to the state and prohibited corrections officials from making decisions about parole release based on individualized risk assessments.

But in far too many cases, offenders who pose little threat to the community are still kept in prison for too long.

Not only does this contribute to the rising prison population, but it further weakens the bonds between prisoners and their families and communities.

Mississippi legislators might do well to follow the example of Alabama, which last year established a state commission to review its sentencing policies.

The growing cost of incarceration not only represents a burden to state taxpayers, but diverts resources from other vital state services. Over the past decade alone, corrections costs have increased by well over \$100 million a year.

These are funds that are consequently not available for education, health care, or drug treatment. Not only would such investments strengthen our families and communities, but they would also yield dividends in public safety.

In addition to high fiscal costs, the changing political climate on crime policy suggests that there are now prospects for moving public policy in a constructive direction.

At the national level there is a growing bipartisan consensus around the development of evidence-based crime control programs.

In Congress, for example, the Second Chance Act which would provide funding for reentry services for prisoners returning to the community is being sponsored in the House by liberal U.S. Reps. Danny Davis, D-Ill., and Bobby Scott, D-Va., and in the Senate by leading conservative U.S. Sen. Sam Brownback, R-Kan.

And from the White House, President Bush noted in his 2004 State of the Union address that when prisoners come home "if they can't find work, or a home, or help, they are much more likely to commit crime and return to prison."

For far too long, we have relied on crime policies that sounded "tough," but didn't deliver.

It's now time to get smart on crime by investing in programs and policies that improve outcomes for both victims and offenders. By doing so, we will be using prison space - and tax dollars - in a much wiser manner.

Marc Mauer is the executive director of The Sentencing Project in Washington, D.C., and the author of *Race to Incarcerate*. Ron Welch is a Jackson attorney who represents Mississippi prisoners in a variety of class action federal court cases concerning conditions of confinement.



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